



REISSUE PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Broadening Reissue Application of

Tetsuya OUCHI

Serial No.: 09/414,029

Filed: October 7, 1999

For: FACSIMILE MACHINE WITH A MAILBOX FUNCTION

Docket No.: 038350.99

SUPPLEMENTAL CONSENT OF ASSIGNEE TO REISSUE (37 C.F.R. §1.172(a))
AND OFFER TO SURRENDER LETTERS PATENT (37 C.F.R. §1.178)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The Assignee, Brother Kogyo Kabushiki Kaisha (by Assignment recorded in the U.S. Patent and Trademark Office on May 24, 1996 at Reel 8012, Frame 0851), being assignee of the entire right, title and interest of U.S. Patent No. 5,675,421 (issued October 7, 1997) hereby consents to this reissue application.

In accordance with 37 C.F.R. §1.178, Brother Kogyo Kabushiki Kaisha hereby offers to surrender U.S. Letters Patent 5,675,421 upon allowance of this reissue application.

The undersigned hereby confirms that he has authority to sign this Consent on behalf of the Assignee.

Date: Oct. 30, 2007

Signature: 

Toshikazu KOIKE

Title: Representative Director & President



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SUPPLEMENTAL REISSUE DECLARATION

I, Tetsuya OUCHI, hereby declare that:

1. I am a citizen of Japan with the address as stated below next to my name.
2. I have reviewed and understand the contents of the specification and claims of the above-captioned reissue application and this Reissue Declaration.
3. I believe that I am the original and sole inventor of the invention described and claimed in U.S. Letters Patent No. 5,675,421, which issued from U.S. Patent Application No. 08/653,312 filed on May 24, 1996.
4. I claim the priority benefits of Japanese Patent Application No. 7-136595, filed on June 2, 1995.
5. I acknowledge my duty to disclose information which is material to the examination of this Reissue Application in accordance with 37 C.F.R. §1.56(a).
6. I consider U.S. Patent No. 5,675,421 to be partly inoperative by reason of claiming less than I had a right to claim because the original claims were unduly limited and may not provide an adequate scope of protection.
7. Claims 1 and 11 relate to a facsimile machine provided with a remote

operation mode enabling a caller from a remote device to access and receive data from the facsimile machine. The facsimile machine comprises: a memory, switching means, facsimile reception determination means and reception process means. However, claims 1 and 11 do not provide an adequate scope of protection for a communication device comprising an output unit that outputs data received from a remote device, an output determination unit that determines whether the output unit is ready to output, a reception determination unit that receives an incoming call from the remote device when the reception determination unit determines that the output unit is ready to output, the reception determination unit not receiving an incoming call from the remote device when the output determination unit determines that the output unit is not ready to output, and a reception process unit that receives an incoming call from the remote device in a specific mode regardless of a result by the output determination unit (claim 14); the communication device further comprising a remote operation unit that permits access from the remote device, and a selection unit capable of selecting the output unit or the remote operation unit, wherein when the remote operation unit is selected by the selection unit, the reception process unit connects a line with the reception determination regardless of the result by the output determination unit (claim 15, which depends from claim 14); the communication device further comprising a storage device that stores the data received from the remote device, wherein when the output determination unit determines that the output unit is incapable of outputting the data, the storage device is full (claim 16, which depends from claim 14); the communication device wherein the specific mode is a remote control mode where the communication device is remotely controlled by the remote device (claim 17, which depends from claim 14); a communication method, comprising a first process of determining whether data output is ready, a second process of disabling reception of an incoming call from a remote device when

it is determined that data output is not ready in the first process, a third process of determining whether a remote control operation is enabled from the remote device, and a fourth process of receiving an incoming call from the remote device when it is determined that the remote control operation is enabled in the third process, regardless of a result in the first process (claim 18), or a computer-readable storage medium including a program for controlling a communication device; the computer-readable storage medium comprising a first step of determining whether data output is ready, a second step of disabling reception of an incoming call from a remote device when it is determined that data output is not ready in the first step, a third step of determining whether a remote control operation is enabled from the remote device, and a fourth step of receiving an incoming call from the remote device when it is determined that the remote control operation is enabled in the third step, regardless of a result in the first step (claim 19). Claims 14-19 have support at least in the original specification, claims and figures, in particular, claims 1 and 11, column 3, lines 52-67, column 6, lines 21-67 and flowchart Figures 3-6.

8. Every error in the patent which was corrected in the present Reissue Application, and is not covered by a prior oath/declaration submitted in this Reissue Application, arose without any deceptive intention on my part.

9. I hereby appoint the following as my attorneys of record with full power of substitution and revocation to prosecute this application and to transact all business in the Patent Office:

James A. Oliff, Reg. No. 27,075; William P. Berridge, Reg. No. 30,024;
Kirk M. Hudson, Reg. No. 27,562; Thomas J. Pardini, Reg. No. 30,411;
Edward P. Walker, Reg. No. 31,450; Mario A. Costantino, Reg. No. 33,565;
Joel S. Armstrong, Reg. No. 36,430; and Christopher W. Brown, Reg. No. 38,025.

All correspondence in connection with this application should be sent to Oliff & Berridge, PLC, P.O. Box 19928, Alexandria, Virginia 22320, telephone (703) 836-6400.

10. I have reviewed and understand the contents of this Reissue Declaration, and all statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of United States Code and that such willful false statements may jeopardize the validity of the application or any patent reissued thereon.

Date: Oct 30, 2007

Tetsuya Uchi

Tetsuya UCHI
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